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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/818,470	03/28/2001	Mark E. Poole		9560

7590 06/19/2002

David S. Thompson  
South 7 Howard, #418  
Spokane, WA 99201

EXAMINER

DUNWOODY, AARON M

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 06/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/818,470

Applicant(s)

POOLE, MARK E.

Examiner

Aaron M Dunwoody

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 March 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application):
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Drawings***

The drawings are objected to because the illustrations do not appear to be completed, i.e. Figure 6E, 54 does not connect to 51. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 5-5. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

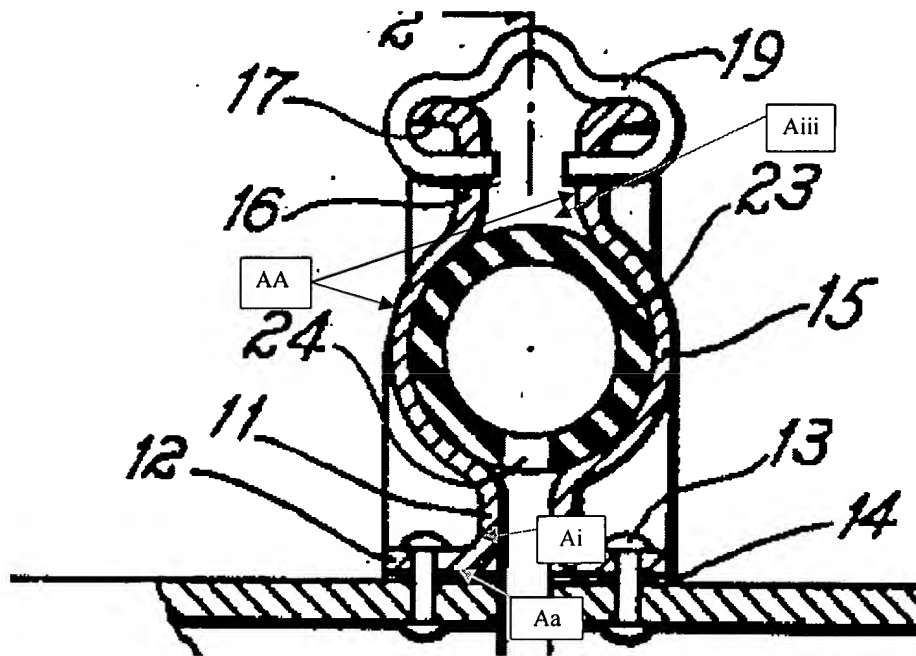
### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent 2451941, Glover, Jr. et al in view of US patent 5016925, Davis.

In regards to claim 1, in figure 1 below, Glover, Jr. et al discloses



an apparatus for

connecting and sealing duct sections, the apparatus comprising first and second connectors (AA), each connector comprising a tubular member (Aa); an annular flange (12), extending radially outwardly from an outer end of the tubular member; and a rolled edge (15), comprising an annular radially inner bend (Ai), attached to the outer perimeter of the annular flange; an annular radially outer roll (15), adjacent to the radially inner bend; an annular rounded perimeter, adjacent to the annular radially outer roll; and whereby a tube cavity (Aiii) is defined within the annular radially outer roll and annular rounded perimeter; whereby an excess duct sealer trough is defined between rolled edges of the first and second connectors; and a plurality of fasteners (19) connecting the annular flange of the first connector to the annular flange of the second connector. Glover, Jr. et al does not disclose a tubular member defining an O-ring channel on an outer surface. Davis teaches a tubular member defining an O-ring

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channel (12) on an outer surface to form a watertight seal (column 1, lines 55-57). It would have been obvious to one having ordinary skill in the art at the time the invention was made to fabricate the tubular member with an O-ring channel on an outer surface to form a watertight seal, as taught by Davis.

In regards to claim 2, Glover, Jr. et al discloses a gasket (23) carried between outer annular surfaces of the annular flanges of the first and second connectors, the gasket having a first side surface directed toward the outer annular surface of the first connector and a second side surface directed toward the outer annular surface of the second connector.

In regards to claim 4, Glover, Jr. et al discloses a duct sealer (23) carried firstly between the annular flange of the first connector and the annular flange of the second connector.

Claims 3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glover, Jr. et al in view of Davis, in further view of US patent 4913472, Janakirama-Rao.

In regards to claim 3, Glover, Jr. et al in view of Davis discloses the claimed invention for a duct sealer, carried firstly between the first side surface of the gasket and the outer annular surface of the annular flange of the first connector, and carried secondly between the second side surface of the gasket and the outer annular surface of the annular flange of the second connector, and carried thirdly carried in the excess duct sealer trough defined between the rolled edges of the first and second connectors. Janakirama-Rao teaches a duct sealer (6), carried firstly between the first side surface

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of the gasket (10) and the outer annular surface of the annular flange of the first connector (1), and carried secondly between the second side surface of the gasket and the outer annular surface of the annular flange of the second connector (2), and carried thirdly carried in the excess duct sealer trough defined between the rolled edges of the first and second connectors "to make a leak-proof seal" (column 4, line 30). It would have been obvious to one having ordinary skill in the art at the time the invention was made to fabricate a duct sealer carried firstly between the first side surface of the gasket and the outer annular surface of the annular flange of the first connector, and carried secondly between the second side surface of the gasket and the outer annular surface of the annular flange of the second connector, and carried thirdly carried in the excess duct sealer trough defined between the rolled edges of the first and second connectors to make a leak-proof seal, as taught by Janakirama-Rao.

In regards to claim 5, Glover, Jr. et al in view of Davis, in further view of Janakirama-Rao, discloses an apparatus for connecting and sealing duct sections, the apparatus comprising first and second connectors, each connector comprising a tubular member, defining an O-ring channel on an outer surface; an annular flange, extending radially outwardly from an outer end of the tubular member; and a rolled edge, comprising an annular radially inner bend, attached to the outer perimeter of the annular flange; an annular radially outer roll, adjacent to the radially inner bend; an annular rounded perimeter, adjacent to the annular radially outer roll; whereby a tube cavity is defined within the annular radially outer roll and annular rounded perimeter; and a wire rod, carried within the tube cavity; whereby an excess duct sealer trough is defined

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between rolled edges of the first and second connectors; a gasket, carried between outer annular surfaces of the annular flanges of the first and second connectors, the gasket having a first side surface directed toward the outer annular surface of the first connector and a second side surface directed toward the outer annular surface of the second connector; a duct sealer, carried firstly between the first side surface of the gasket and the outer annular surface of the annular flange of the first connector, and carried secondly between the second side surface of the gasket and the outer annular surface of the annular flange of the second connector, and carried thirdly carried in the excess duct sealer trough defined between the rolled edges of the first and second connectors; and a plurality of fasteners connecting the annular flange of the first connector to the annular flange of the second connector.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron M Dunwoody whose telephone number is (703) 306-3436. The examiner can normally be reached on Monday - Friday between 7:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H Browne can be reached on (703) 308-1159. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9327 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

.amd  
June 12, 2002



LYNNE H. BROWNE  
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